

REMARKS

The present invention is a mobile terminal having a first receiver for receiving a signal including a communication service, from a first communications network and a method of receiving a first signal by a mobile terminal transmitted from a first communications network including a communications service. In accordance with an embodiment of the invention, a mobile terminal 200 having a first receiver 202 for receiving a first signal from a first communications network 272 including a communication service 252-258 includes a second receiver 206 within the mobile terminal for receiving a second signal conveying complementary information relating to the communications service included in the first signal transmitted from the second communications network and said complementary information comprises an announcement relating to the communication service or an announcement relating to a schedule of communications service.

Claims 1-3, 5-8, 10, 18-21, and 38-39 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,606,481 (Tegler et al). These grounds of rejection are traversed for the following reasons.

Independent claim 1 and claims 18 and 38 respectively recite a mobile terminal having a first receiver for receiving a first signal from a first communications network including a communications service and a method of receiving a first signal by a mobile terminal from a first communications network including a communications service which substantively recite receiving the second signal conveying complementary information relating to the communications service included in the first signal transmitted from the second communications network and

the complementary information comprises an announcement relating to the communications service or an announcement relating to a schedule of communications service. This subject matter is not taught by Tegler et al. The Examiner cites column 3, lines 34-42, for Tegler's teaching of complementary information.

What is referred to in column 3, lines 34-44, of Tegler et al is a transmission of service from the network to the set top box and further that the IC receives interactive instructions from the set top box or the mobile telephone. The interactive instructions are submitted to not be complementary information comprising an announcement relating to the communications service or an announcement relating to a schedule of communications service.

Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Tegler et al to arrive at the subject matter of independent claims 1, 18 and 38.

Claim 2 further limits claim 1 in reciting a controller for configuring said first receiver according to said complementary information. As discussed above, the complementary information, as construed by the Examiner, must be the interactive instructions from the set top box or the mobile telephone as referred in column 3. This information, of course, does not configure the first receiver according to the instructions. Accordingly, claim 2 is not anticipated.

Claim 3 further limits claim 1 in reciting that the first receiver is enabled to receive said first signal in response to said complementary information. As stated above, the complementary information is construed to be the interactive instructions from the set top box or the mobile telephone which do not enable the first receiver to

receive the first signal in response to the complementary information. Moreover, the subject matter of claim 3 is not obvious over Tegler et al.

Claim 5 further limits claim 1 in reciting that the terminal comprises storage means for storing user preferences. The Examiner refers to column 3, line 65 to column 4, line 5, which while referring to a personal identification number, does not suggest to a person of ordinary skill in the art a storage of user preferences. The Examiner's statement that "[i]t is apparent that Tegler et al discloses a storage of user preferences in enabling the first receiver in dependence on the stored preferences" is not borne out by the disclosure of Tegler et al.

Claim 6 further limits claim 5 in reciting decision means for deciding whether said second signal should enable said first signal in dependence on the stored user preferences. As stated above, a pin is not a stored user preference and moreover, there is nothing suggesting that enablement of the first receiver in response to the second signal is in dependence on stored user preferences would be suggested to a person of ordinary skill in the art by Tegler et al. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where such disclosure appears.

Claims 7 and 8 are patentable for the same reasons set forth above with respect to claim 1.

Claim 10 further limits claim 1 in reciting the first signal includes the data file and the terminal is actuatable in response to the complementary information to receive the data file. The Examiner's reliance upon Fig. 2 and column 3, lines 25-59, is noted. However, it is submitted that neither Fig. 2 nor column 3, lines 25-59, discloses anything pertaining to the complementary information enabling a data file

in the first signal to be received. The interactive instructions from the set top box or mobile telephone do not describe a first signal including a data file with the terminal being actuated in response to complementary information to receive the data file.

Claim 19 is patentable for the same reasons set forth above with respect to claim 18.

Claims 20 and 21 are patentable for the same reasons set forth above with respect to claims 5 and 6.

Claim 38 is patentable for the reasons stated above and further is patentable for the reason that Tegler et al do not suggest combining information from the second signal with content from the first signal. It is noted that the Examiner has again relied upon Fig. 2 in column 3, lines 25-59 which, as stated above, describe interactive instructions which do not meet the recited limitations of claim 38.

Claim 39 further limits claim 38 in reciting the complementary information comprises personal data with the data being combined with generic data forming said content of the first signal. As indicated above, the complementary information is construed by the Examiner to be interactive instructions which would not suggest the subject matter of claim 39 wherein the complementary information comprises personal data with the data being combined with generic data forming said content of said first signal.

Claims 4 and 40 stand rejected under 35 U.S.C. §103 as being unpatentable over Tegler et al in view of United States Patent 6,774,926 (Ellis et al). These grounds of rejection are traversed for the following reasons.

Claim 4 further limits claim in reciting that the complementary data comprises configuration data for configuring the first receiver and claim 40 further limits

claim 38 in reciting that the second signal further comprises configuration data relating to said first signal identifying said content. The interactive instructions from the set top box mobile telephone do not suggest the configuration data as recited in claims 4 and 40. It is submitted that a person of ordinary skill in the art would not consider the interactive instructions from the set top box or mobile telephone to be complementary information as set forth in claims 1 and 38 since the complementary information of the claim is information which is received by the second receiver relating to an announcement relating to the communications service or an announcement relating to a schedule of communications service which would not be combined with a teaching of configuration data from Ellis except by impermissible hindsight.

Claim 9 stands rejected under 35 U.S.C. §103 as being unpatentable over Tegler et al in view of WO 0018123 (Yuen). This ground of rejection is traversed for the following reasons.

Yuen has been cited as disclosing a general packet radio signal and the second receiver is a general packet radio receiver. However, Yuen's teachings do not cure the deficiencies noted above with respect to Tegler et al.


In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0171.40305X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

DES:dlh